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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TIM DAHAR,

Plaintiff

v.

PENNYMAC LOAN SERVICES, LLC and  
NATIONAL DEFAULT SERVICING CORP.,

Defendants

Case No.: 2:23-cv-01020-CDS-MDC

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME TO RESPOND  
TO PLAINTIFF'S MOTION TO  
CORRECT FIRST AMENDED  
COMPLAINT [ECF NO. 44], REPLY IN  
SUPPORT OF DEFENDANT'S MOTION  
TO DISMISS FIRST AMENDED  
COMPLAINT [ECF NO. 32], MOTION  
TO STAY DISCOVERY [ECF NO. 33],  
AND MOTION TO STRIKE OR  
ALTERNATIVELY DISMISS SECOND  
AMENDED COMPLAINT [ECF NOS. 37,  
38], AND RESPOND TO ECF NO. 45**

**(FOURTH REQUEST)**

On February 1, 2024, the court dismissed Tim Dahar's complaint with leave to amend. ECF No. 25. Mr. Dahar filed a first amended complaint on February 23, 2024. ECF No. 26. Mr. Dahar and Pennymac stipulated to extend the deadline for Pennymac to respond to Mr. Dahar's first amended complaint, and the court extended the response deadline accordingly. ECF Nos. 28, 30. On April 4, 2024, Pennymac moved to dismiss the first amended complaint and stay discovery pending the court's

1 ruling on its motion to dismiss. ECF Nos. 32, 33. Also on April 4, 2024, Mr. Dahar filed another  
2 pleading titled "first amended complaint, revised / corrected, submission for discovery / attempts to  
3 provide best notification of details for court and defendants ability to defend." ECF No. 31.

4 Mr. Dahar and Pennymac agreed Pennymac may have until April 30, 2024, to file its response  
5 to the new pleading Mr. Dahar filed on April 4, 2024 (ECF No. 31). ECF No. 35. Mr. Dahar and  
6 Pennymac further agreed Mr. Dahar shall have until May 16, 2024 to respond to all pending motions,  
7 including Pennymac's motion to dismiss the first amended complaint, motion to stay discovery, and  
8 any motion Pennymac may file in response to the new pleading Mr. Dahar filed on April 4, 2024. *Id.*  
9 Finally, Mr. Dahar and Pennymac agreed that Pennymac may have until May 31, 2024 to reply in  
10 support of its pending motions, including Pennymac's motion to dismiss the first amended complaint,  
11 motion to stay discovery, and any motion Pennymac may file in response to the new pleading that Mr.  
12 Dahar filed on April 4, 2024. *Id.* This court approved the parties' stipulation. ECF No. 36.

13 On April 30, 2024, Pennymac timely moved to strike or alternatively for dismissal of the  
14 pleading that Mr. Dahar filed on April 4, 2024. ECF Nos. 37, 38. Per the parties' prior stipulation and  
15 this court's order, Mr. Dahar's opposition to Pennymac's pending motions (ECF Nos. 32, 33, 37, 38)  
16 was due on May 16, 2024. However, Mr. Dahar suffered an unexpected illness, and Pennymac agreed  
17 that he may have until May 23, 2024, to respond to Pennymac's pending motions so long as Pennymac  
18 received a one-week extension as well, through June 7, 2024. ECF No. 40. This court granted the  
19 parties request. ECF No. 41. On May 24, 2024, Mr. Dahar filed a "request to deny motion to dismiss:  
20 request to deny motion to strike first amended complaint: request to allow for correction of first  
21 amended complaint: most respectfully request that the court allow plaintiff to actually amended first  
22 amended complaint or alternatively allow plaintiff be allowed to submit a second amended complaint  
23 in the interest of justice." ECF Nos. 42, 43, 44. Mr. Dahar substantively opposes Pennymac's pending  
24 motions in this filing, but he also seeks court approval to file another amended pleading. ECF No. 44  
25 at 2-3. Mr. Dahar does not attach any proposed amended pleading to his motion, *see* LR 15-1, stating  
26 that he has "already begun making the needed amendments" and expects to complete the proposed  
27 pleading within approximately one week from May 24, 2024. ECF No. 44 at 2-3. On June 3, 2024,  
28 Mr. Dahar submitted for filing an "amended first amended complaint or alternatively true second

1 amended complaint, as per court's determination in response to plaintiff's respectful request to amend  
 2 [that] provides additional facts and evidence to survive motions, notice case also being submitted to  
 3 the Nevada Attorney General per Nevada Revised Statutes, requesting to lift stay of discovery and  
 4 plaintiff be able to present case to the courts." ECF No. 45. Mr. Dahar's filing was entered and  
 5 Pennymac received the same at 5:10 p.m. on June 5, 2024.

6 Pennymac's replies in support of its pending motions and its opposition to Mr. Dahar's  
 7 countermotion for leave to amend are currently due on June 7, 2024. ECF No. 41. Pennymac does  
 8 not concede that Mr. Dahar's submission of a proposed amended complaint after having already moved  
 9 to file an amended pleading is proper; however, the current deadline does not allow Pennymac a  
 10 reasonable opportunity to respond to the substance of the proposed amended complaint to the extent  
 11 the court may consider it. Additionally, the separately filed proposed amended complaint contains  
 12 additional argumentation concerning Mr. Dahar's countermotion for leave to amend, notice to the court  
 13 related to NRS 598A.210, and a request to lift any discovery stay. ECF No. 45 at 1-2.

14 In light of Mr. Dahar's most recent filing, the parties agree to an extension of Pennymac's  
 15 deadline to respond to Mr. Dahar's motion for leave to file an amended complaint, ECF No. 44, through  
 16 June 21, 2024. The parties further agree Pennymac shall have until June 21, 2024 to file its replies in  
 17 support of its pending motions, ECF Nos. 32, 33, 37, 38. Finally, Pennymac shall have until June 21,  
 18 2024 to respond to Mr. Dahar's requests for relief in his most recent filing, ECF No. 45, including but  
 19 not limited to Mr. Dahar's request to lift the discovery stay. The parties respectfully request the court  
 20 extend the deadlines accordingly.

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Based on the foregoing, good cause exists to extend the deadlines for Pennymac to respond to Mr. Dahar's pending countermotion for leave to amend (ECF No. 44), reply in support of its pending motions (ECF Nos. 32, 33, 37, 38), and respond to Mr. Dahar's most recent filing (ECF No. 45) to **June 21, 2024**. Mr. Dahar's replies in support of his countermotion for leave to amend and any other pending requests for relief as set forth in his most recent filing shall be due in accordance with LR 7-2(b) on **June 28, 2024**, with Mr. Dahar reserving his right to seek an extension of that deadline should circumstances arise that he deems to warrant any such request. This is the parties' fourth request for an extension of their motion briefing schedule, and it is not intended to cause any delay or prejudice.

DATED this 6<sup>th</sup> day of June, 2024.

<b>AKERMAN LLP</b>  <u>/s/ Paige L. Magaster</u> ARIEL E. STERN, ESQ. Nevada Bar No. 8276 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 PAIGE L. MAGASTER, ESQ. Nevada Bar No. 15557 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134  <i>Attorneys for Pennymac Loan Services, LLC</i>	<u>/s/ Tim Dahar</u> TIM DAHAR 4540 San Rafael Avenue Las Vegas, NV 89120
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IT IS SO ORDERED:

  
 UNITED STATES DISTRICT JUDGE

DATED: June 11, 2024